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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/769,293 | 01/26/2001 | Yoshiharu Hino | 0152-0549P-SP | 4828 |

7590 09/19/2006
BIRCH, STEWART, KOLASCH & BIRCH, LLP
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| EXAMINER | |
| LEE, SEUNG H | |
| ART UNIT | PAPER NUMBER |
| 2876 | |

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 09/769,293 | Applicant(s) HINO ET AL. | |
| | Examiner Seung H. Lee | Art Unit 2876 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 23 August 2006 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodgers et al. (US 6,362,737)(hereinafter referred to as 'Rodgers').

Rodgers teaches a carrier (3700) serving as an accessed object comprising a series of capacitor (3710 and 3714) serving as a semiconductor device and antenna coils (3708 and 3716) bent to extend two surfaces of the carrier, the antenna coils are located in the vicinity of the a corner portion, the carrier is a casing and the antenna coils are provided inside of the carrier as shown in figure 37 wherein the antenna are forming loop or continuous wiring (see figs. 1, and 37; col. 55, lines 9-48).

Although, Rodgers fails to teach that the IC chip is inside antenna coil. However, it would have been an obvious design variation well within the ordinary skill in the art failing to provide any unexpected results for locating of the IC chip, that is, it does not provide any criticality by locating IC chip in particular location respect to the antenna coil.

4. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodgers in view of Smithgall (US 6,027,027).

The teachings of Rodgers have been discussed above.

In addition to the teachings of Rodgers as discussed above, he also teaches that the a series of capacitors are located away from the bent portion of the antenna wherein the antenna is bent at a right angle (see fig. 37).

However, Rodgers fails to particularly teach or fairly suggest that the antenna coils are formed on a flexible sheet.

Smithgall teaches a RFID tag comprising an antenna (301) and an integrated circuit (410) wherein the antenna and the integrated circuit are attached to paper substrate (420) (see fig. 4; col. 2, line 44-col. 5, line 15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Smithgall to the teachings of Rodgers in order to provide flexibility by attaching the circuit and antenna onto the paper substrate wherein the paper substrate are well known in the art at the time the invention for bending at certain angle such as right angle without breaking the substrate and/or antenna for providing wireless communication using the antenna therewith.

5. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodgers in view of Sanders (US 6,276,523, record).

The teachings of Rodgers have been discussed above.

Although, Rodgers teaches the carrier having antennas thereon, he fails to particularly teach or fairly suggest that the container is a translucent and the container is an information recording medium.

However, Sanders teaches a compact disc container can be constructed of opaque plastic materials for holding information recording medium such as a compact disc (see Figs. 1a and 1b; col. 10, lines 25-38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Sanders to the teachings of Rodgers in order to provide convenience to user(s) wherein user(s) can verify the contents of the container without physically opening the container in which the container is holding the information recording medium such as a compact disc.

Response to Arguments

6. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


Any inquiry concerning this communication or earlier communication from the examiner should be directed to Seung H. Lee whose telephone number is (571) 272-2401. The examiner can normally be reached on Monday to Friday from 7:30 AM to 4:00 PM.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571) 272-2398. The fax-phone number for this group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [seung.lee@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.


SEUNG HO LEE
PRIMARY EXAMINER